

Message Text

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ACTION OES-05

INFO OCT-01 IO-10 ISO-00 ACDA-05 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00 DODE-00 EUR-12

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R 301431Z DEC 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 6867

INFO USERDA GERMANTOWN

C O N F I D E N T I A L IAEA VIENNA 10722

EO 11652: GDS

TAGS: PARM, TECH, IAEA, JK, US

SUBJECT: US AND UK DRAFT SAFEGUARDS AGREEMENTS WITH IAEA

DEPT PASS IO/SCT AND NRC

REF: A. STATE 301430, B. IAEA VIENNA A-348, C. STATE 168798,
D. STATE 263349

1. REF B TRANSMITTED COPY OF AUG 29, 1975 LTR TO LOPEZ-MENCHERO,
ALONG WITH PAGES TO REPLACE CORRESPONDING PAGES OF MAY 2 DRAFT,
INCORPORATING CHANGES PER REFTEL C.

2. SHORTLY THEREAFTER, LOPEZ-MENCHERO CEASED TO BE HEAD IAEA
SECRETARIAT NEGOTIATING TEAM AND ONLY RECENTLY HAS THE
TEAM BEEN RECONSTITUTED. IT IS NOW HEADED BY D.A.V. FISCHER AND
INCLUDES SUKHORUCHKIN, SAFEGUARDS DEVELOPMENT DIV. (VICE
RYZHOV) AND RAINER, LEGAL DIV, (VICE RAMES).

3. CHANGE IN ART 12A TRANSMITTED REFTEL D HAS BEEN PROVIDED
FISCHER BY LTR (COPY ENCLOSED WITH AIRGRAM BEING SENT DEPT).
FISCHER HAS AGREED CONSIDER ENTIRE DRAFT UPON RETURN NEXT WEEK

4. WE EXPECT SECRETARIAT WILL CALL ATTENTION
TO INCONSISTENCY OF NEW ART 12A (PER REFTEL D) WITH ART 34,
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WHICH CALLS FOR NOTIFICATION OF REMOVAL OF FACILITY FROM

LIST OF THOSE ELIGIBLE--"SUFFICIENTLY IN ADVANCE SO AS TO
ENABLE THE AGENCY, IF IT SO DESIRES, TO VERIFY THE
QUANTITY AND COMPOSITION OF THE NUCLEAR MATERIAL BEFORE
REMOVAL...".

5. SINCE NEW ART 12A WAS BASED UPON RELEVANT PROVISION
IN DRAFT UK AGREEMENT, IT SHOULD BE NOTED THAT PROVISION
IN UK AGREEMENT (LIKE ART 34 OF U.S. DRAFT) FOR REMOVAL OF FACILITY
FROM LIST IS ART 1((B), WHICH STATES THAT UK MAY AT ANY TIME MAKE
DELETIONS FROM LIST FOR NATIONAL SECURITY REASONS
AND THAT UK "SHALL PROVIDE THE COMMUNITY AND THE AGENCY

WITH ADVANCE NOTICE OF ANY ADDITIONS OR DELETIONS".
IT IS OUR UNDERSTANDING FROM DISCUSSION WITH FRED
BROWN, UK, THAT "ADVANCE NOTICE" CAN CONSIST OF TELEPHONE
CALL TO AGENCY IMMEDIATELY PRIOR TO REMOVAL.

6. IN ORDER TO MAKE ART 34 IN U.S. DRAFT COMPARABLE TO
UK DRAFT PROVISION AND CONSISTENT WITH NEW ART 12A IN U.S.
DRAFT, MISSION SUGGESTS CONSIDERATION BE GIVEN TO DELETION
OF SUB-PARA (II) OF ART 34 AND REWORDING SUB-PARA (I) THAT
ARTICLE TO INCLUDE SIMPLE REFERENCE TO ADVANCE NOTIFICATION.
SUBSTANCE OF SUB-PARA (III) OF THAT ARTICLE MAY ALSO BE
INCORPORATED INTO SUB-PARA (I).

7. MISSION STRESSES THAT BASIS FOR FOREGOING
SUGGESTION IS CONSISTENCY WITH NEW ART 12A AND UK
AGREEMENT. WE HAVE NO INDICATION OF POSSIBLE REACTION
BY IAEA SECRETARIAT, EXCEPT THAT THROUGHOUT
NEGOTIATIONS, SECRETARIAT TEAM ATTACHED IMPORTANCE
TO OPPORTUNITY TO VERIFY SAFEGUARDED MATERIAL BEFORE REMOVAL BY
OPEATION OF EITHER ART 12 OR ART 34, IN ORDER AVOID PRECEDENT FOR
REMOVAL OF MUF. PRESENT INCONSISTENCY WITTH ART 34 WILL
MAKE IT MORE DIFFICULT FOR US TO CONVINCE SECRETARIAT
TO ACCEPT NEW ART 12A. PLEAESE ADVISE.

8. RE PARA 2 REFTEL A, MISSION HAS DISCUSSED POINTS
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RAISED PARA 3 REFTE D WITH UK RES REP SLATER, WHO STATED
THAT HE WOULD REFER QUESTIONS TO FRED BROWN IN LONDON.

9. MISSION ASSUMES NO FURTHER COMMENTS RE UK DRAFT WILL
BE FORTHCOMING FROM DEPT OR OTHER INTERESTED AGENCIES.
PLEASE CONFIRM. LABOWITZ

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, NUCLEAR SAFEGUARDS, NEGOTIATIONS, GOVERNMENT REACTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975IAEAV10722
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750450-0228
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975125/aaaaaeac.tel
Line Count: 113
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 301430, 75 IAEA VIENNA A-348, 75 STATE 168798
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2003 by ShawDG>; APPROVED <02 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US AND UK DRAFT SAFEGUARDS AGREEMENTS WITH IAEA DEPT PASS IO/SCT AND NRC
TAGS: PARM, TECH, JA, US, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006